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8  
9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-292

13 **FORREST M. SUGGS**

8245 E. Heatherbrae Avenue

14 Scottsdale, Arizona 85251

**A C C U S A T I O N**

15 Registered Nurse License No. 634265

16 Respondent.

17  
18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the  
21 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about March 12, 2004, the Board of Registered Nursing issued  
24 Registered Nurse License Number 634265 to Forrest M. Suggs ("Respondent"). The license  
25 expired on August 31, 2005, and has not been renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in  
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code  
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a  
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
5 against the licensee or to render a decision imposing discipline on the license. Under Code  
6 section 2811, subdivision (b), the Board may renew an expired license at any time within eight  
7 years after the expiration.

8 5. Code section 2761 states, in pertinent part:

9 The board may take disciplinary action against a certified or licensed nurse  
10 or deny an application for a certificate or license for any of the following:

11 (a) Unprofessional conduct, which includes, but is not limited to, the  
12 following:

13 (4) Denial of licensure, revocation, suspension, restriction, or any other  
14 disciplinary action against a health care professional license or certificate by  
15 another state or territory of the United States, by any other government agency, or  
16 by another California health care professional licensing board. A certified copy of  
17 the decision or judgment shall be conclusive evidence of that action.

18 6. Code section 2762 states, in pertinent part:

19 In addition to other acts constituting unprofessional conduct within the  
20 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct  
21 for a person licensed under this chapter to do any of the following:

22 (a) Obtain or possess in violation of law, or prescribe, or except as  
23 directed by a licensed physician and surgeon, dentist, or podiatrist administer to  
24 himself or herself, or furnish or administer to another, any controlled substance as  
25 defined in Division 10 (commencing with Section 11000) of the Health and Safety  
26 Code or any dangerous drug or dangerous device as defined in Section 4022.

27 7. Health and Safety Code section 11173, subdivision (a) provides that no  
28 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure  
the administration of or prescription for controlled substances, (1) by fraud, deceit,  
misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

### **COST RECOVERY**

8. Code section 125.3 provides, in pertinent part, that the Board may request  
the administrative law judge to direct a licensee found to have committed a violation or

///

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
2 and enforcement of the case.

3                   9.     **DRUG**

4                   “Percocet,” a brand of oxycodone, is a Schedule II controlled substance as  
5 designated by Health and Safety Code section 11055, subdivision (b)(1)(N).

6                                 **FIRST CAUSE FOR DISCIPLINE**

7   **(Out-of-State Discipline)**

8                   10.     Respondent’s license is subject to disciplinary action under Code section  
9 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent has been  
10 disciplined by the Arizona State Board of Nursing (hereafter “Arizona Board”). Effective  
11 January 12, 2006, pursuant to the Consent for Entry of Voluntary Surrender filed by the Arizona  
12 Board, attached hereto as **Exhibit “A”** and incorporated herein, Respondent voluntarily  
13 surrendered his Arizona Professional Nurse License No. RN073691, for a minimum period of  
14 five years. The basis for discipline was that between on or about June 3, 2005, through August 1,  
15 2005, Respondent removed Percocet, a controlled substance, for his own use from Scottsdale  
16 Nursing and Rehabilitation Center and Scottsdale Heritage Court, both facilities in Arizona.

17                                 **SECOND CAUSE FOR DISCIPLINE**

18   **(Obtained and Possessed a Controlled Substance in Violation of Law)**

19                   11.     Respondent is subject to discipline under Code section 2761, subdivision  
20 (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (a),  
21 in that between on or about June 3, 2005, until August 1, 2005, while on duty as a registered  
22 nurse at Scottsdale Nursing and Rehabilitation Center and Scottsdale Heritage Court, Respondent  
23 committed acts, as follows:

24                                 a.     Respondent obtained Percocet, a controlled substance, by fraud, deceit,  
25 misrepresentation or subterfuge, by taking the drug from hospital supplies for his own use, in  
26 violation of Health and Safety Code section 11173, subdivision (a).

27                                 b.     Respondent possessed Percocet, a controlled substance, in violation of  
28 Code section 4060.

1 c. Respondent self administered Percocet, a controlled substance, without a  
2 valid prescription.

3 **PRAYER**


4 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
5 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 634265<sup>v</sup>, issued  
7 to Forrest M. Suggs;

8 2. Ordering Forrest M. Suggs to pay the Board of Registered Nursing the  
9 reasonable costs of the investigation and enforcement of this case, pursuant to Code section  
10 125.3; and,

11 3. Taking such other and further action as deemed necessary and proper.

12  
13 DATED: 6/14/07

14  
15   
16 RUTH ANN TERRY, M.P.H., R.N.  
17 Executive Officer  
18 Board of Registered Nursing  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant  
22  
23  
24  
25  
26

27 03579110-SA2006101392

28 Suggs.Acc

pms (3/13/07)

## **EXHIBIT A**

Janet Napolitano  
Governor



Joey Ridenour  
Executive Director

*Arizona State Board of Nursing*

1651 East Morten, Suite 210  
Phoenix, AZ 85020-4613  
Phone (602) 889-5150 Fax (602) 889-5155  
E-Mail: [arizona@azbn.org](mailto:arizona@azbn.org)  
Home Page: <http://www.azboardofnursing.org>

**AFFIDAVIT OF CUSTODIAN OF RECORDS**

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **FORREST MONROE SUGGS**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 1651 E. Morten Avenue, Suite 210, Phoenix, Arizona 85020 on January 20, 2006.

SEAL

A handwritten signature in black ink that reads "Joey Ridenour".

Joey Ridenour, R.N., M.N.  
Executive Director

ARIZONA STATE BOARD OF NURSING  
1651 East Morten Avenue, Suite 210  
Phoenix, Arizona 85020-4613  
602-889-5150

FILED A.S.B.N.  
2006 JAN 10 PM 12:11

IN THE MATTER OF PROFESSIONAL  
NURSE LICENSE NO. RN073691  
ISSUED TO:

FORREST MONROE SUGGS  
RESPONDENT

CONSENT FOR ENTRY OF  
VOLUNTARY SURRENDER  
ORDER NO. 0506033

A complaint charging Forrest Monroe Suggs ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. §32-1663 (D)(5), Respondent voluntarily surrenders his license for a minimum of five years.

Based on the evidence before it, the Board makes the following Findings of Fact, Conclusions of Law:

**FINDINGS OF FACT**

1. Respondent holds Board issued professional nurse license no. RN073691.
2. From on or about May 24, 2005, until June 5, 2005, Respondent was employed at Scottsdale Nursing & Rehabilitation Center in Scottsdale, Arizona.
3. On or about June 3, 2005, some Percocet was found in the medicine cart and Respondent stated he had wasted it but there were no witnesses to the wastage. On or about June 5, 2005, Respondent was terminated from Scottsdale Nursing & Rehabilitation Center because he failed to follow facility policies related to the wastage of narcotics.

4. On or about August 2, 2005, Respondent admitted he had removed Percocet for his personal use from Scottsdale Nursing & Rehabilitation Center and also from Scottsdale Heritage Court for his personal use while he worked there from on or about June 12, 2005, until August 1, 2005.

5. On or about June 5, 2005, Respondent was terminated from Scottsdale Nursing & Rehabilitation Center.

4. On or about December 27, 2005, Respondent requested to voluntary surrender his license.

### CONCLUSIONS OF LAW

Pursuant to A.R.S. § 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-1601 (16) (d) and (j), and A.A.C. R4-19-403 (5) (6) (11) (12) (13) (14) and (25).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. §§ 32-1663 (D)(5) 32-1664(N) to take disciplinary action against Respondent's license to practice as a professional nurse in the State of Arizona.

**Respondent admits the Board's Findings of Fact, Conclusions of Law.**

Respondent understands that he has an opportunity to request a hearing and declines to do so. Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal, or judicial review relating to this Order.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.



1 Respondent understands that the admissions in the Findings of Fact are conclusive  
2 evidence of a violation of the Nurse Practice Act and may be used for purposes of determining  
3 sanctions in any future disciplinary matter.  
4

5 Respondent understands the right to consult legal counsel prior to entering into the  
6 Consent Agreement and such consultation has either been obtained or is waived.  
7

8 Respondent understands that this voluntary surrender is effective upon its acceptance by  
9 the Executive Director or the Board and by Respondent as evidenced by the respective signatures  
10 thereto. Respondent's signature obtained via facsimile shall have the same effect as an original  
11 signature. Once signed by the Respondent, the agreement cannot be withdrawn without the Executive  
12 Director or the Board's approval or by stipulation between the Respondent and the Executive Director  
13 or the Board. The effective date of this Order is the date the Voluntary Surrender is signed by the  
14 Executive Director or the Board and by Respondent. If the Voluntary Surrender is signed on a  
15 different date, the later date is the effective date.  
16

17 Respondent understands that Voluntary Surrender constitutes disciplinary action.  
18 Respondent also understands that he may not reapply for reinstatement during the period of Voluntary  
19 Surrender.  
20

21 Respondent agrees that he may apply for reinstatement after the period of voluntary  
22 surrender under the following conditions, and must comply with current law at the time of their  
23 application for reinstatement:  
24

25 The application for reinstatement must be in writing and shall contain therein or have  
26 attached thereto substantial evidence that the basis for the voluntary surrender has been removed and  
27 that the reinstatement of the license does not constitute a threat to the public's health, safety and  
28 welfare. The Board may require physical, psychological, or psychiatric evaluations, reports and  
29

1 affidavits regarding the Respondent as it deems necessary. These conditions shall be met before the  
2 application for reinstatement is considered.

3  
4  
5 Forrest M. Suggs  
6 Respondent

7 Date: 1-8-06

8 ARIZONA STATE BOARD OF NURSING

9  
10 SEAL

11 Joey Ridenour  
12 Joey Ridenour, R.N., M.N.  
13 Executive Director

14 Dated: 1/12/06

15 CONSULTANT Suggs RN073691

16 **ORDER**

17 Pursuant to A.R.S. § 32-1663 (D)(5) the Board hereby accepts the Voluntary Surrender  
18 of professional nurse license number RN073691, issued to FORREST MONROE SUGGS. This  
19 Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be made public  
20 upon the effective date of this Consent Agreement. Respondent shall not practice in Arizona under  
21 the privilege of a multistate license.  
22

23 /////

24 /////

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NOTED A.S.B.N.  
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1 IT IS FURTHER ORDERED that Respondent may apply for reinstatement of said  
2 license after a period of five years.

3  
4 SEAL

ARIZONA STATE BOARD OF NURSING

5  
6 Joey Ridenour  
7 Joey Ridenour, R.N., M.N.  
8 Executive Director

9 Dated: 1/12/06  
10

11 JR/sr  
12  
13

14 COPY mailed this 27<sup>th</sup> day of December, 2005, by First Class Mail to:  
15 Forrest Monroe Suggs  
16 8245 E. Heatherbrae Avenue  
17 Scottsdale Arizona 85251

18 By: S. M. Rachel  
19 Sister M. Rachel Torrez  
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